

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2268 OF 2005
IN
WRIT PETITION NO. 982 OF 2004

Bharat Lakshman Kasurde
& Ors. .. Petitioners.
VS.
Shri Tehmi Dady Shroff .. Respondent.

Mr. Nitin P. Deshpande for petitioners.
Mr. Uday Warunjikar for respondent.

CORAM : S.U. KAMDAR, J.

DATE : 23rd December, 2005.

P.C.:

. The present application is taken out for alteration of the order dated 31.3.2005 passed in Writ Petition No. 982 of 2004 by which the learned Single Judge of this Court has directed disposal of the Regular Civil Suit No. T 203 of 1969 expeditiously. However, it has been brought to my notice that the suit itself has been disposed of by an order and judgment dated 19.1.1989. The said suit has been dismissed for default and non

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prosecution. It seems that the proceedings for restoration thereafter also failed. In that view of the matter, the order passed by this Court in Writ petition for expeditious disposal of the said suit without knowing that the suit has already been disposed of requires correction. Accordingly, the order is corrected and the direction to the Civil Judge, Junior Division, Wai to hear Regular Civil Suit No. T 203 of 1969 expeditiously has been deleted. If any steps are taken by the learned Judge pursuant to the order which has now been modified then the same to be recalled and no further proceedings should be continued in the said disposed of suit. Civil Application disposed of accordingly. No order as to costs.